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Redevelopment Board Minutes 08/11/2008

Arlington Redevelopment Board
Minutes of August 11, 2008

Members Present: Christopher Loreti
Andrew West
Roly Chaput
Bruce Fitzsimmons

Also Present: Kevin J. O'Brien
David Berry

Andy West called the meeting to order at 7:10 and asked Kevin O'Brien to tell the Board about the Symmes project. Kevin O'Brien explained that rock stained by oil had been excavated and had to be disposed of. Without giving up rights to have the Leahy General Partnership clean up the stained rock, Kevin O'Brien explained that this is the situation for which the Environmental Escrow Fund was created. All parties' licensed site professionals met at the scene and agreed on the proper clean up and the work is expected to be underway soon.

Andy West next introduced John Cuocco to answer questions about the four streetlight fixtures the Board is considering for Broadway Plaza. After hearing about Public Works reaction to the lights from a maintenance viewpoint as reported by John Cuocco and Dave Berry, and after some discussion the Board narrowed the field to three and decided that it needed to view the lights mounted on a pole in order to make a final decision. John Cuocco will work with staff to make this possible.

At 8:00, Andy West opened the first public hearing scheduled for 8:00. The hearing was continued from June 2, 2008 and concerns the amendment to the special permit at 7 Central Street to allow the entire building to be rented to tenants for office use. Richard Sampson, the applicant was present along with his attorney, Robert Annese. Robert Annese presented his argument which he contained in a memo to the Board dated August 5, 2008. He requested that the Board acknowledge that there were 16 virtual parking spaces associated with the property and that the Board grant them the right to substitute 4 spaces in the public parking lot. This along with 9 spaces on the property makes up the 29 spaces that the building needs to be totally occupied by office use.

Robert Annese argued that the current office use was less than full time and did not require a lot of parking. Bruce Fitzsimmons asked if Robert Annese thought the bylaw allowed the Board to take into consideration the intensity of use in figuring the parking requirement. Robert Annese said he did not think so. Roland Chaput noted that the empty office space currently in the building, if filled, could increase the parking demand. It was acknowledged that that was true. Andy West asked why they were requesting so many virtual spaces (when they already had permission to substitute 11 spaces in the public lot). Robert Annese indicated that he didn't want his client to be found in violation of the permit if his tenants didn't use the public lot even if asked to do so.

Chris Loreti asked about parking space in the garage of the building. Richard Sampson replied that it was now converted to office space and if it were used as parking it prevented the outdoor driveway spaces from being used for parking. Chris Loreti then proposed that all tenants that couldn't park on the property be required to park in the public lot as that would comply with the existing permit and the Board's decision of August 16, 2004 that allowed the renting of all the space in the building. This proposal was discussed at length and several modifications were also considered. A few members of the audience asked questions and Roly Chaput moved that the Board reduce the parking requirement of the building to 80% of 29 spaces, equaling 23 spaces; and meet that requirement by the nine spaces on the property and allow 14 spaces in the public lot to be substituted, and to further amend the special permit to allow the entire 14,494 square feet of usable space in the building to be used for offices by any occupant; and that all leases for tenants contain a requirement that all occupants who do not park on the property must park in the public parking lot; and that the requirement to park on the property or in the public parking lot apply to all occupants of the building whether owner or lessee. Chris Loreti seconded the motion. In discussion, Bruce Fitzsimmons indicated that he believed that ten virtual spaces were acknowledged by the original special permit.

The Board then voted 3 to 1 to approve Roly Chaput's motion. It was pointed out that four affirmative votes were needed to amend a special permit. Bruce Fitzsimmons asked the applicant if they were satisfied that the proposed parking plan would meet their needs. Richard Sampson indicated that it would. Bruce Fitzsimmons offered to reconsider his negative vote. Roly Chaput moved that the Board reconsider its vote on the above motion. Chris Loreti seconded the motion and the Board voted 4 to 0 to reconsider. Andy West then asked for a vote on the above motion and the Board voted 4 to 0 to approve the amendment to the special permit.

Kevin O'Brien indicated that the amendment may require an amendment to the Land Disposition Agreement as well. He indicated that he would work with Attorney Annese and bring any needed amendment to the Board's attention at its next meeting. Andy West closed the public hearing.

Andy West then opened the second public hearing scheduled for 8:00 PM for a wireless communication facility located at 4 Winslow Street and heard from Kevin O'Brien that a problem with abutter notifications required that the hearing be continued to a future date. Bruce Fitzsimmons moved that the hearing be continued to August 25, 2008 at 8:30 PM. Chris Loreti seconded the motion and the Board voted 4 to 0 to approve.

Andy West then asked Dave Berry to provide an update on the leasing of the Central School. Dave Berry reported that a child care center was interested in the first floor vacant space, but is required to de-lead the exterior window frames and the cost was prohibitive. They are seeking a waiver from the State licensing authority. David Berry reported that the two State agencies on the third and fourth floor would not renew their leases because the handicapped accessibility, which complies with the law, was not adequate to new State office guidelines. We are seeking any possible solution and in the meantime will extend their lease to June 30, 2009. If we cannot find a solution that would retain their tenancies, we will issue a request for proposals to lease the spaces as of July 1, 2009.

The meeting adjourned at 10:10 PM.

Respectfully submitted,
Kevin J. O'Brien